

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

<b>LABORERS' PENSION FUND and</b>	)	
<b>LABORERS' WELFARE FUND OF THE</b>	)	
<b>HEALTH AND WELFARE DEPARTMENT</b>	)	
<b>OF THE CONSTRUCTION AND GENERAL</b>	)	
<b>LABORERS' DISTRICT COUNCIL OF</b>	)	
<b>CHICAGO AND VICINITY, and JAMES S.</b>	)	
<b>JORGENSEN, Administrator of the Funds,</b>	)	
	)	
<b>Plaintiffs,</b>	)	<b>Case No. 07 C 6422</b>
<b>v.</b>	)	
	)	<b>Judge BUCKLO</b>
<b>KEVIN D. BROWN, d/b/a ALLSTAR</b>	)	
<b>CONSTRUCTION.,</b>	)	
	)	
<b>Defendant.</b>	)	

**MOTION FOR RULE TO SHOW CAUSE**

NOW COME Plaintiffs Laborers' Pension Fund and Laborers' Welfare Fund of the Health and Welfare Department of the Construction and General Laborers' District Council of Chicago and Vicinity and James S. Jorgensen, Administrator of the Funds (collectively the "Funds"), by their attorney, Charles Ingrassia, and hereby move this Court to enter an Order directing Defendant Kevin D. Brown, d/b/a Allstar Construction., (hereinafter the "Defendant") to appear and show cause why he should not be held in contempt for failing to comply with this Court's Order entered on December 28, 2007. In support of this Motion, the Funds state as follows:

1. The Funds filed their Complaint on November 13, 2007 seeking to compel the Defendant to submit benefit reports and contributions for the period of August 2007 forward, to submit union dues reports and dues for the period of August 2007 forward, to submit to an audit

upon demand and to compel the Defendant to obtain and maintain a bond.

2. The Defendant failed to file an answer or otherwise plead, and accordingly, this Court found him in default on December 28, 2007.

3. The Funds sent the Defendant a letter dated December 28, 2007 which requested that the Defendant contact the Funds by January 14, 2008 to comply with this Court's Order. A true and accurate copy of the letter is attached hereto as **Exhibit A**. As of the filing of this Motion, the Defendant has failed to contact the Funds and/or comply with this Court's Order.

4. Accordingly, the Funds respectfully request that this Court enter an Order directing Kevin D. Brown, d/b/a Allstar Construction to appear and show cause why the Defendant should not be held in contempt for failing to comply with this Court's Order dated December 28, 2007. Plaintiffs further request that this Court award them their attorneys' fees and costs incurred in bringing this Motion.

WHEREFORE, Plaintiffs respectfully request that this Court enter an Order directing Defendant Kevin D. Brown, d/b/a Allstar Construction to appear and show cause why the Defendant should not be held in contempt for failing to comply with this Court's Order dated December 28, 2007. Plaintiffs further request that this Court award them their attorneys' fees and costs in bringing this Motion.

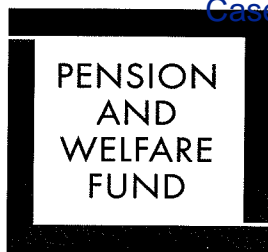
January 16, 2008

Respectfully submitted,

Laborers' Pension and Welfare Funds, et al.

By: /s/ Charles Ingrassia

Office of Fund Counsel  
111 W. Jackson Blvd., Suite 1415  
Chicago, IL 60604  
(312) 692-1540



**LABORERS' PENSION FUND and  
HEALTH and WELFARE DEPARTMENT  
of the CONSTRUCTION and GENERAL  
LABORERS' DISTRICT COUNCIL of  
CHICAGO and VICINITY**

11465 CERMAK ROAD  
WESTCHESTER, IL 60154  
Main # (708) 562-0200 Ext. 218

CHICAGO OFFICE  
111 W. JACKSON BLVD., SUITE 1415  
CHICAGO, IL 60604-3868  
OFFICE: (312) 692-1540  
FAX: (312) 692-1489

**BOARD OF TRUSTEES**

ADMINISTRATOR  
JAMES S. JORGENSEN

SECRETARY  
ALAN ESCHÉ

**PENSION FUND**

FOR LABOR  
JOSEPH COCONATO  
JAMES P. CONNOLLY  
J. MICHAEL LAZZARETTO  
FRANK RILEY  
LARRY WRIGHT  
JEFF M. ZIEMANN

FOR EMPLOYERS  
BENJAMIN D'ANDREA  
ALAN ESCHÉ  
RICHARD E. GRABOWSKI  
ROBERT G. KRUG  
DAVID H. LORIG  
GARY LUNDSBERG

**WELFARE FUND**

FOR LABOR  
JAMES P. CONNOLLY  
RANDY DALTON  
MARTIN T. FLANAGAN  
LIBERATO NAIMOLI  
SCOTT PAVLIS  
FRANK RILEY

FOR EMPLOYERS  
ALAN ESCHÉ  
CHARLES J. GALLAGHER  
RICHARD E. GRABOWSKI  
DAVID H. LORIG  
DENNIS P. MARTIN  
TIM J. SCULLY

*From the Office of Fund Counsel*

December 28, 2007

Kevin D. Brown  
1007 Longaker  
Northbrook, Illinois 60062

**Re: *Laborers' Pension and Welfare v. Kevin D. Brown, d/b/a  
Allstar Construction: Case Number: 07 CV 6422***

Dear Mr. Brown:

Enclosed please find an Order of Default entered by the Hon. Judge Elaine E. Bucklo on December 28, 2007 ordering the Company in default and ordering the Company to submit benefit reports and contributions for the period of August 2007 forward; to submit dues reports and dues for the periods of August 2007 and October 2007 forward; and to submit its books and records to an audit upon demand. Please contact me to comply with the Court's Order. Be advised that if you have not responded and complied with the Court's Order on or before Monday, January 14, 2008, I will file the appropriate Motion for Rule to Show Cause why you should not be held in contempt.

Do not hesitate to contact me should you have any further questions.

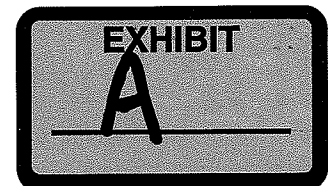
Very truly yours,

LABORERS PENSION AND WELFARE FUNDS

  
Charles Ingrassia

Encl.

Reply to Chicago Office



**EMPLOYER PARTICIPANTS -**

Builders' Association, Employing Plasterers' Association, Underground Contractors' Association, Mason Contractors' Association, Concrete Contractors' Association, Wrecking Contractors, Concrete Products Employers, Lake County Illinois Employers, Illinois Road Builders Association, Bridge and Highway Structural Builders; i.e. all those who employ Laborers Engaged in the Building and Construction Industry.

**UNITED STATES DISTRICT COURT  
FOR THE Northern District of Illinois – CM/ECF LIVE, Ver 3.0  
Eastern Division**

Laborers' Pension Fund, et al.

Plaintiff,

v.

Case No.: 1:07-cv-06422  
Honorable Elaine E. Bucklo

Kevin D. Brown

Defendant.

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**NOTIFICATION OF DOCKET ENTRY**

This docket entry was made by the Clerk on Friday, December 28, 2007:

MINUTE entry before Judge Elaine E. Bucklo :The court finds defendant in default and prove-up hearing set for 1/18/2008 at 10:00 AM.Mailed notice(mpj, )

**ATTENTION:** This notice is being sent pursuant to Rule 77(d) of the Federal Rules of Civil Procedure or Rule 49(c) of the Federal Rules of Criminal Procedure. It was generated by CM/ECF, the automated docketing system used to maintain the civil and criminal dockets of this District. If a minute order or other document is enclosed, please refer to it for additional information.

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**CERTIFICATE OF SERVICE**

The undersigned certifies that he caused a copy of the foregoing Motion for Rule to Show Cause to be served upon the following person via US Mail this 16<sup>th</sup> day of January 2008.

Mr. Kevin D. Brown, d/b/a  
Allstar Construction  
1007 Longaker  
Northbrook, IL 60062

/s/ Charles Ingrassia